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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,175	08/01/2001	James E. Kracht	CISCO-3550	7564

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EXAMINER

CLARK, ISAAC R

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,175

Applicant(s)

KRACHT, JAMES E.

Examiner

Isaac R Clark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 6-11, 17, 18, 23, 24, and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-16, 19-22, and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/26/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-35 are presented for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, 12-16, 19-22, and 25-29 drawn to assigning IP addresses in a communication apparatus, classified in class 709, subclass 245.
 - II. Claims 6-8, 17, 23, and 30-32 drawn to discovering the link status of occupants in a communication apparatus, classified in class 710, subclass 104.
 - III. Claims 9-11, 18, 24, and 33-35 drawn to identifying occupants of slots in a communication apparatus, classified in class 709, subclass 222.
3. Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I lacks discovery of link status and discovery of apparatus slots, invention II, lacks assigning of IP addresses and discovery of apparatus slots, while invention III lacks assigning of IP addresses and discovery of link status of apparatus occupants. See MPEP § 806.05(d).
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Mr. Kenneth D'Alessandro, (Registration Number 29,144) on 01/19/2005 a provisional election was made without traverse to

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prosecute the invention of I, claims 1-5, 12-16, 19-22, and 25-29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-11, 17, 18, 23, 24, and 30-35 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

6. The effective filing date for the subject matter in the pending claims in this application is 08/01/2001.

Drawings

7. The Examiner contends that the drawings submitted on 08/01/2001 are acceptable for examination proceedings.

Specification

8. The Abstract is objected to because it contains legal phraseology and because the Abstract exceeds 150 words in length.

9. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

A new Abstract complying with 37 CFR 1.72 and MPEP § 608.01(b) is required.

10. On page 12 lines 12-15 a reference is made to a patent application by title. The reference is incomplete because dates and application numbers are not provided. If a reference has matured into a patent it is additionally required that this fact be incorporated into the present specification in order to reflect accurate information and readily allow identification of related documentation.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Fee et al. (US Patent 6,415,314, filed 08/06/1998, hereinafter Fee).

13. As per claim 12, Fee discloses a communications system apparatus comprising:
an Ethernet backplane (col. 5, lines 60-65); at least one internal occupant operatively coupled to said backplane (col. 4, lines 51-61); wherein said at least one internal apparatus occupant is configured to identify internal other occupants of said communications system apparatus (col. 6 line 54 – col. 7, line 24: each module builds table based on information broadcast by neighboring modules).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-4, 13-16, 19-22, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee et al. (US Patent 6,415,314, filed 08/06/1998, hereinafter Fee) in view of Cole et al. (US Patent 5,854,901, issued 12/29/1998 hereinafter Cole).

16. As per claim 13, Fee teaches the communications system apparatus of Claim 12, wherein said at least one internal occupant is further configured to:

request a discovery protocol data package from a chassis module (col. 8, lines 47-55 chassis agent manages system and gathers chassis information);

determine whether said discovery protocol data package corresponds to said at least one internal occupant (col. 7, lines 1-5: discovered information includes the chassis occupied by module); and discover occupant information corresponding to said at least one internal occupant if said discovery protocol data package corresponds to said at least one internal occupant (col. 7, line 36-42: resource information requested from module after discovery and entry into slot table).

17. Fee fails to teach verifying that a system switch processor has been assigned an IP address.

18. Cole teaches verifying that a verify that a system switch processor 24 (Fig. 1) has been assigned an IP address (col. 4, lines 23-32) and managing the system via the assigned IP address (Fig. 4, block 76);

19. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Fee and Cole to modify the communication system taught by Fee to include a means for verifying that the system switch processor is assigned an IP and to request data on internal occupants via the system switch processor because they both with configuring a communication system. Furthermore, the teaching of Fee assign an IP address would allow the communication system to be managed over an Internet connection (Fee, col. 2, lines 28-35) providing a method for remotely configuring the apparatus without having to manually assign a unique IP address (Fee, col. 6, lines 10-15).

20. As per claim 14, Fee teaches the communications system apparatus of Claim 13, wherein said at least one internal occupant is further configured to determine whether said at least one internal occupant is the last internal occupant in said apparatus (col. 7, lines 13-14, occupant information includes the slot number indicating physical location of occupant).

21. As per claim 15, Fee teaches the communications system apparatus of Claim 13, wherein said at least one internal occupant is further configured to determine whether said at least one internal occupant has a valid IP address, if the discovery protocol data package corresponds to said at least one internal occupant (col. 6, lines 21-25: IP

address assigned to each internal occupant; col. 6, lines 60-67: data table includes the IP address of each module).

22. As per claim 16, Fee teaches the communications system apparatus of Claim 13, wherein said at least one internal occupant is further configured to populate a data table with said at least one internal occupant's information (col. 7, lines 9-12 and line 22).

23. As per claim 19, Fee teaches an apparatus for identifying internal occupants of a communications system apparatus with an Ethernet backplane 20 (Fig. 2) and at least one internal occupant (Fig. 1) comprising:

means for requesting a discovery protocol data package from a chassis module (col. 8, lines 47-55 chassis agent manages system and gathers chassis information);

means for determining whether said discovery protocol data package corresponds to said at least one internal occupant (col. 7, lines 1-5: discovered information includes the chassis occupied by module); and means for discovering occupant information corresponding to said at least one internal occupant, if said discovery protocol data package corresponds to said at least one internal occupant (col. 7, line 36-42: resource information requested from module after discovery and entry into slot table).

24. Fee fails to teach a means for verifying that a system switch processor ("SSP") has been assigned an IP address;

25. Cole teaches verifying that a verify that a system switch processor 24 (Fig. 1) has been assigned an IP address (col. 4, lines 23-32) and managing the system via the assigned IP address (Fig. 4, block 76);

26. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Fee and Cole to modify the communication system apparatus taught by Fee to include a means for verifying that the system switch processor is assigned an IP and to request data on internal occupants via the system switch processor because they both with configuring a communication system. Furthermore, the teaching of Fee assign an IP address would allow the communication system to be managed over an Internet connection (Fee, col. 2, lines 28-35) providing a method for remotely configuring the apparatus without having to manually assign a unique IP address (Fee, col. 6, lines 10-15).

27. As per claim 20, Fee teaches the apparatus of Claim 19, further comprising the additional means for determining whether said at least one internal occupant is the last internal occupant in said apparatus (col. 7, lines 13-14, occupant information includes the slot number indicating physical location of occupant).

28. As per claim 21, Fee teaches the apparatus of Claim 19 further comprising the additional means for determining whether said at least one internal occupant has a valid IP address, if the discovery protocol data package corresponds to said at least one internal occupant (col. 6, lines 21-25: IP address assigned to each internal occupant; col. 6, lines 60-67: data table includes the IP address of each module).

29. As per claim 22, Fee teaches the apparatus of Claim 19 further comprising the additional means for populating a data table with said at least one internal occupant's information (col. 7, lines 9-12 and line 22).

30. As per claims 1-4, claims 1, 2, 3, and 4 describe the method carried out by the apparatus in claims 19, 20, 21, and 22 respectively. Claims 1-4 are rejected for the same reasons as claims 19-22 above.

31. As per claims 25-28, claims 25, 26, 27, and 28 describe a storage device containing computer instructions to carry out the method executed by the apparatus describe in claims 19, 20, 21, and 22 respectively. Fee teaches executing as a collection of software modules stored in the communication apparatus (col. 5, lines 50-59). Claims 25-28 are rejected for the same reasons as claim 19-22 above.

32. Claims 5 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee and Cole as applied to claims 1 and 25 respectively above, and further in view of Official Notice.

33. As per claims 5 and 29, Fee teaches the method and program storage device of claims 1 and 25 wherein the discovering further comprises determining the type of the internal occupant (col. 7, line 1) and discovering further information from the occupant (col. 7, lines 36-42: additional information polled from device after device is discovered).

34. Fee does not explicitly teach that the occupant types may be a multiservice route processor or a system processing engine, however communication chassis systems with these particular cards were well known in the art at the time the applicant made his invention. It would have been obvious at the time the applicant made his invention to detect these types of cards and to issue an error message if the internal occupants were not of these types because doing so would allow detecting an improperly configured system.

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Identifying modular chassis composition by using network topology information".

- a. US Patent 6,601,093 Peters teaches validating IP addresses
- b. Cisco Integrated Communications System 7750 Data Sheet, Cisco Systems, Copyright 2000, page 1-10. Describes chassis system with SPE and MRP system cards in universal slots.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IRC


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